

REMARKS

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

Claims 1-22 have been canceled in this paper. Claims 24 and 30 have been amended in this paper. No new claims have been added in this paper. Therefore, claims 23-44 are pending. Of these claims, claims 27, 32-33 and 35-44 have been withdrawn as being directed at a non-elected invention or a non-elected species. Therefore, claims 23-26, 28-31 and 34 are under active consideration.

Claims 23 and 29 stand rejected under 35 U.S.C. 103(a) "as being unpatentable over Solovay (5,843,161) in view of Thompson et al. (5,957,974)." In support of the rejection, the Patent Office states the following:

Solovay discloses compressing a self-expandable stent (12) over an inner catheter (30). Solovay also discloses that while the self-expandable stent (12) is in a compressed state, a braided tube (14) is positioned around the inner catheter (30) and self-expandable stent (12), wherein the braided tube is dimensioned to maintain the self-expandable stent in the compressed state.

Solovay, however, does not disclose positioning an outer catheter tube around the braided tube, the outer tube being adapted for axial movement relative to the inner catheter.

Thompson discloses an inner catheter tube (26) and an outer catheter tube (20) positioned around the braided tube (40), wherein the outer tube (20) is adapted for axial movement relative to the inner catheter (26). This catheter arrangement allows to the stent graft to be properly aligned as it progressively radially self-expands toward an intimate contact with tissue at the treatment site. *See column 6, line 34 - column 7, line 2, and figure 1 for further clarification.*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to substitute the catheter deployment system of Solovay with the inner and outer catheter

tubes, in light of the teachings of Thompson, in order to be properly align the stent as it progressively radially self-expands toward an intimate contact with tissue at the treatment site. (Emphasis in original.)

Applicant respectfully traverses the subject rejection. Claim 23, from which claim 29 depends, recites “[a] method of manufacturing a stent delivery system, said method comprising the steps of:

- (a) providing an inner catheter;
- (b) compressing a self-expandable stent over said inner catheter;
- (c) while said self-expandable stent is in a compressed state, positioning a braided tube around said inner catheter and said self-expandable stent, said braided tube being dimensioned to maintain said self-expandable stent in said compressed state; and
- (d) positioning an outer catheter around said braided tube, said outer catheter being adapted for axial movement relative to said inner catheter.”

Claim 23 is not unpatentable over Solovay in view of Thompson et al. for at least the reason that Solovay and Thompson et al., whether taken individually or in combination, do not teach or suggest a method of manufacturing a stent delivery system that comprises, among other things, positioning a braided tube around a self-expandable stent in a compressed state, the braided tube being dimensioned to maintain the self-expandable stent in said compressed state.

Solovay relates to an endoprostheses assembly (10). The Patent Office is apparently contending that Solovay sleeve (14) corresponds to the claimed braided tube. Applicant respectfully disagrees. Claim 23 requires that the braided tube be dimensioned to maintain a self-expandable stent in a compressed state. Solovay sleeve (14), however, is a **radially expandable** sleeve that does not maintain a self-expandable stent in a compressed state. Instead, as seen, for example, at col. 6,

lines 1-46, of Solvay, Solvay sleeve (14) expands with Solovay stent (12) and is not intended thereafter to be removed from Solvay stent (12) (as one would otherwise expect if sleeve (14) were being used as a restraint against expansion of stent (12)).

Thompson et al. also fails to teach or to suggest, among other things, a braided tube dimensioned to maintain a self-expandable stent in a compressed state. Instead, Thompson et al. discloses a tube (40) that is integrally formed with and fixed to stent (18) (see, for example, col. 7, line 57 through col. 9, line 7, of Thompson et al.) and, as such, **expands with** stent (18). Consequently, because tube (40) is a part of and expands with stent (18), tube (40) cannot be said to be dimensioned to maintain stent (18) in a compressed state.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 24-26, 28, 30-31 and 34 stand “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

For at least the reasons given above, Applicant respectfully disagrees with the propriety of the aforementioned rejection of claims 23 and 29; consequently, because the subject objection is predicated on said rejection, Applicant disagrees with the propriety of the subject objection. Notwithstanding the above, Applicant has rewritten claims 24 and 30 in independent form, claims 25-26 and 28 depending from claim 24 and claims 31 and 34 depending from claim 30. Therefore, the subject objection has been obviated and should be withdrawn.

It is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: September 12, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 12, 2005

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